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GRIEVANCE PROCEDURE FOR CIVILIAN EMPLOYEES OF THE UNITED STATES NAVY

WILFRED JAMES WILLIAMS

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GRIEVANCE PROCEDURE FOR CIVILIAN ELPLOYEES OF THE UNITED STATES NAVY

WILFRED JAMES VILLIAMS

LETTERING ON BACK TO BE EXACTLY AS PRINTED HERE.

WILLIAMS

1951











LAPLOYELS OF THE UNITED STATES NAVY

A Thesis

Fresented in Partial Fulfillment of the Requirements for the Degree Master of Science in Fublic Administration

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Supervision of civilian employees of the Navy is a responsibility which comes to nearly every naval officer at one time or another throughout his career. At times some officers, particularly those of the Staff Corps, such as Civil Engineer or Supply Corps, may find that the majority, or even all of their subordinates are civilian. Line officers may expect less frequent duty assignments involving supervision of civilian employees.

Administrative procedures have been established by
the Navy Department, based on legislation and executive
orders, prescribing the manner in which civilian employees
are recruited, employed, trained, rated, disciplined,
promoted, furloughed, reinstated or retired. These are
typical of the many administrative actions which the
individual civilian employee may experience during his
period of Navy employment. One of the more important
personnel procedures from the standpoint of the individual
employee is contained in Navy Civilian rersonnel Instruction 80 (usually abbreviated NCrI 80) on "Grievances and
Complaints." This particular NCrI states the manner in
which employees may present dissatisfactions arising from
their work environment for consideration by Navy management
with the expectation that a fair and equitable decision

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will be rendered to the individual in each case. A study of this particular ALFI in comparison with grievance procedures commonly found in collective bargaining contracts or agreements between employers and employees in the industrial or commercial world is the method of approach in developing this thesis.

The writer has enjoyed an experience of approximately eleven years in supervising civilian employees of the Navy at various locations throughout the United States and in foreign territories and possessions. At several Waval shore activities, while officially designated as lublic works Officer, the writer has acted as chairman of Field Grievance Advisory Committees established in accordance with NCPI 80. and, in some cases, has functioned in a delegated duty capacity as Civilian Tersonnel Officer. From these associations and experiences an interest has resulted in the mechanics and formalities of effective grievance procedures; an awareness of some limitations in the current method of handling grievances and complaints; and an appreciation of the importance of sound grievance procedures in molding a loyal and enthusiastic working force of civilian employees of the Wavy.

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The civilian employee of the Mavy, like his counterpart employed in privately owned industrial or commercial enterprise, is interested in the same fundamental job objectives. The carpenter or shipfitter on the Navy payroll has the same legitimate personal concern in the attainment of fair wages, hours, and working conditions es his brother tradesman employed by the Todd Shipbuilding Corporation. The Mayy employed acientist engaged in complex research studies focused on development of guided missiles or extending man's knowledge of the stom is as much interested in achieving a status of economic security for himself and his family as the research physicist under contract with the Du Pont Corporation or the Esttelle Memorial Institute. No less is the Mavy's GG-3, Clerk Typist, expectant of opportunity for advancement and selfimprovement as is her sister worker in the local office of the Puller Brush Company. And common to all mankind, who are members of the work-a-day world, whether Havy employed or otherwise, is a desire for recognition, acknowledgement of worthwhile accomplishment, and an inner conviction of individual significance. Failure on the part of the individual employee to attain these

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legitimate objectives may result in a grievance situation.

As almost any supervisor can testify, grievances can and do occur all too often in the working environment of the reasonably well-adjusted Navy civilian employee.

Trievances may be of as many varieties and kinds as there are people at work. Some complaints involve whole bodies of employees; others may be limited to individuals and small groups. Crievances may range from petty differences between an employee and his supervisor to a major issue of such magnitude that it could affect the very ability of an organization to accomplish its major purpose.

complaints and grievances on the part of civilian employees of the Navy may involve, for example, such matters as the consideration given to seniority by management in the selection of personnel for advancement, the determination by management of within-grade wage or salary levels for employees being transferred under reduction-inforce procedures, and the manner of compensation for overtime work, whether cash payment or compensatory time.

Working conditions are occasionally a source of grievance complaints. The writer recalls an instance at a certain Naval Air Station where it was a routine work assignment for electricians to check and repair aircraft obstruction lights mounted at various levels on three 150-foot tower structures. All of the electricians employed at this particular activity were not physically

The statement was present our out out to the statement of the statement of

 capable of climbing the towers and performing the somewhat hazardous work at varying distances above the ground level. To certain electricians were called upon to accomplish this particular work while other electricians being paid similar wages were not expected, by reason of their physical condition, to perform these particular duties. A problem of this type may constitute a recurrent source of grievances, and calls for the exercise of adroitness and skill on the part of management to resolve such situations to the satisfaction of all concerned.

Another frequent source of grievances and complaints in Navy civilian employment, as also occurs in industrial or commercial employment, aprings from unsatisfactory working relationships between supervisors or foremen and subordinates, or between fellow workers. Charges of discrimination in the assignment of tasks on grounds of personal, racial, or religious reasons occur from time to time.

Some grievances originate from deficiencies in safety standards or practice, or in maintaining proper standards of sanitation in shops and offices. Use of defective equipment or tools is likewise an occasional source of employee dissatisfaction.

Wost grievances encountered in the day-to-day supervision of Havy civilian employees are not, when considered as isolated events, of tremendous import. They ordinarily Almost december of more presented and make the action of the contract of the c

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do not concern fundamental or historic issues. They are enerally of individual significance and to the casual observer may seen, in many cases, to be of almost trivial consequence. Nevertheless, it is of great importance in a human organization that any grievence, no matter how small, be brought to light, given impartial scrutiny, and an equitable adjustment made. One unsatisfied grievance in an organization creates an infectious condition which may serve to generate other grievances. . L. Lackenzie hing, in expressing his views on grievances, emphasized the essential and ethical need for adjustment procedures. He said:

The germ of discontent is like any other germ: it grows and reproduces and multiplies and there is no germ so virulest as that of unredressed wrong whether the wrong be real or imaginary. Indifference to a wrong be ets irritation, and long continued irritation aggrevates discontent and causes men to bide their time and seek revenge. Intimation by a workman that conditions are unfavorable discloses the germ of a grievence. To neglect investigation or to delay adjustment merely aggravates the case. A continual adjustment of little things is better than a grand adjustment of many things accumulated over a series of years. The latter usually comes too late.

Unsettled grievances are potential sources of serious labor disputes. Where supervision and management present an attitude of indifference toward grievances or erect

¹ John A. Lapp, How to Mandle Labor Srievances, p. 11.

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that employee morale will be affected, production will drop, an attitude of resentfulness and indifference will appear, turnever and absenteeism will trend upward.

Translated into a practical situation, it is possible that on the successful handling of individual grievances could depend the ability of an organization to accomplish its assigned purpose in an efficient and economical manner. It is a cardinal principle that employee grievances should be adjusted promptly and at an early stage.

The Nav. is a time-honored military organization governed by military regulations, traditions, and customs. Certain responsibilities, as well as privileges, accrue to those who wear the Navy "blue" by reason of this military heritage. However, in the administration of civilian personnel employed by the Navy these military standards do not apply. The individual Navy civilian employee is governed by the same legislation, executive orders, or regulations of the Civil Service Commission as is any other Federal employee. Pederal law states:

The head of each department is authorized to prescribe regulations not inconsistent with law for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers,

² Leonard J. Smith, Manual for Labor Disputes, p. o.

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Based on the legal authority quoted above, the group of directives and technical orders which are collectively titled "Navy Civilian Personnel Instructions" constitute the official organ of the Navy Department for the dissemination of overall policies, procedures, and instructions regulating its civilian personnel. The Navy Civilian Personnel Instructions are based on pertinent Federal legislation, Civil Service Rules and Regulations, executive orders of the President, opinions of the Attorney General, decisions of the Comptroller Jeneral, and other long established authoritative directives of the Navy Department.

The legal essence of Navy Civilian Tersonnel Instructions is written indirectly into Navy Regulations which provide that in the administration of civilian personnel matters, commanding officers and other persons in the naval establishment shall be governed by:

- (a) applicable provisions of law
- (b) applicable provisions of proclamations and executive orders of the President
- (c) applicable rules and regulations issued by the Civil Service Commission and other authorized agencies of the government; and

Navy Civilian Personnel Instruction 1, p. 1.

⁴ Ibid., passim.

provide the above the control of the

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(d) detailed instructions issued by or under the directions of the Secretary of the Navy.

The Secretary of the Navy has further delegated to the Under Secretary of the Navy the responsibility, in accordance with law and executive orders, for the following functions with respect to civilian personnel management:

- (a) promulgation of policies and general procedures
- (b) review and evaluation of compliance therewith
- (c) issuance of such orders as are required to insure compliance, and
- (d) collaboration with the Chief of Naval Operations.

The Under Secretary of the Navy was given direct control over the Office of Industrial Relations in discharging the responsibilities enumerated above. The Office of Industrial Relations is the "nerve center" of the Navy Department concerned with the day-to-day administration of Navy civilian personnel matters.

The Office of Industrial Relations issues Mavy Civilian Personnel Instructions, and revisions thereof, at such intervals as conditions may require. Their primary purpose is to provide all officers, supervisors, and

Navy Civilian Personnel Instruction 1, p. 1.

Secretary of Navy letter of 25 August 1949. Published in Navy Department Bulletin 49-151.

Navy Civilian Personnel Instruction 1, p. 1.

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employees with authoritative, over-all, detailed instructions concerning personnel matters. Navy Civilian resonnel instructions are promulgated in order to achieve the following objectives:

- (a) To assure uniformity insofar as practicable throughout the Mavy establishment in the application and interpretation of laws, executive orders, comptroller peneral decisions, Mavy Department policies, and procedures, etc.
- (b) To provide between two covers in simple codified form, in serial order, over-all instructions, policies and procedures required to be followed in the administration of programs under the general cognizance of the Office of Industrial Relations which have in the past been promulgated in separate publications or letters as the need for such documents arose.
- (c) To assure like treatment, rights and obligations with respect to all civilian employees in the Naval establishment, Navy Civilian Personnel Instructions conform to the guiding principles for the conduct of human relations in dealing with civilian personnel for the entire Department of Defense...

hegulations, directives, official instructions and the like, which have their ultimate source in law, do not operate by and of themselves. While the necessity for comprehensive and clearly expressed official pronouncements and orders in personnel administration is of the essence, it must be remembered that too great faith should not be placed in the procedural or legal aspects alone.

Such directives and instructions are "administered" by

Naval Civilian rersonnel Instruction 1, p. 2.

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are obtained. In turn, the results stained may be either good or bad and will vary in direct ratio to the skill, knowledge, understanding, good judgment, fairness, and tolerance exhibited by those people involved in the administrative process.

With awareness of the fact that grievances occur a ong civilian employees of the Mayr, that a legal and procedural method circumscribes the overall problems related to the management of civilian personnel, and that the application of laws and regulations to specific cases necessarily involves the human element with all its variables, the problem can then be presented: How, in this context, can the Mayr best act to resolve prievances of civil employees systematically and satisfactorily? No pat answer will result. Critical attention can, however, be directed to the two basic elements involved in the grievance procedure: first, regulations based on law; and, second, the human administrator who applies the regulation to specific cases.

An appraisal of existing regulations governing grievance procedures and of the demands made upon the human administrator when operating under these procedures will involve comparisons. It is possible that an appraisal of the grievance procedures and practices adopted by industrial or commercial enterprises under the impetus of

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reveal significant trends, and point the way toward improvement of the lavy's system. On the other hand, it may not. Also, consideration of the duties and obligations which devolve upon the administrator of the grievance procedure under industry's collective bargaining contract, may bring into sharper focus the need for improvement of human relations in the Wavy's grievance situation. Again, on the other hand, it may not. With the question open, it is the purpose of this paper to review and compare grievance procedures common to the Pavy and industry, point up differences, and present observations and conclusions.

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listorical Review

The first comprehensive approach to the problem of employee prievances in the federal services dates back to 24 June 1953 when executive Order 7915 was issued. This order established the policy that each federal department and agency should have a published grievance procedure which employees could readily invoke for the purpose of adjusting dissatisfactions and grievances arising from the working environment. Frior to 1938, grievance procedures were practically unknown in the federal civil service. Indeed, it was only after enactment of the National Labor Relations Act in 1935 that grievance procodures became a standard provision in labor contracts throughout industry, although many progressive corporations and companies had established them lon; before that time. By 1940, progress had been made to the point where, with few exceptions, practically every federal department and

¹⁰⁴th Annual Report of the U.S. Civil Service Commission for Fiscal Year Laded 30 June 1947, p. 55.

²Draft Report (for Discussion Only) of Sub-Committee on Grievances and Appeals. Federal ressonned Council, Civil Service Commission, July 1950, p. 3.

³ Thid., p. 12.

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d enc, had developed and satablished grievance procedures for civilian employees.

Executive order 7910 of 1938, together with certain previous Civil Service Rules, and, in the way of giving emphasis to personnel administration including grievence procedures, vested the following authority in each agency:

The head of each agency, in accordance with applicable statutes, Executive orders, and rules, shall be responsible for personnel management in his agency. To assist and advise him in carrying out this responsibility he shall maintain or establish such office or division of personnel as may be required.

Under the suthority of the foregoing Executive Order, the Office of Industrial Relations of the Navy Department gave continued effect to Navy Civilian Fersonnel Instruction 80 on Grievances and Complaints as the officially prescribed method for adjusting Grievances of civilian employees.

The Formal Procedure -- Vavy Civilian Personnel Instruction 80 on Grievances and Complaints.

As background information, it is pertinent to consider certain general introductory provisions written into NCPI 80 which give insight into the Navy Department's philosophy

Anavy Civilian Personnel Instruction 30, p. 1.

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of or the particular females within any

of adjusting employee grievances. These are concerned with matters of definition and distinction as to what constitutes a personal grievance as differentiated from group problems. Also, an expression of policy and statement of management's responsibility with respect to employee grievances are to be found in the opening paragraphs of this NCFT. Included also is a detailed discussion of the procedure to be followed by the individual employee in setting the grievance procedure in motion.

NCFI 80 is intended for use in the adjustment of individual grievances. In defining those issues which are eligible for consideration under ECPI 80, the element of parsonal interest to the employee is stressed as being the dominant criterion. A distinction is especully drawn between such individualistic grievances and issues which are, on the other hand, of a general nature and involve numbers of people. The latter type of problem is not, in the view of the Navy Department, suitable for presentation under the grievance procedure. Such matters are considered by management in its group dealings with employees as explained in a separate CTI 60 on Employee (Group) helations. At the same time a note of caution is introduced, stating that the supervisor is expected to attempt to clear up the problem presented by the employee even though the technical requirements of an individual Trievance are not met, or else refer the employee to the

the transfer per section with making many and the party office operations are properly as a second of the particular and the second of the sec Proposite many part of the other part of the state of the period of the second of the particle and the second of the part of the same of the contract of the same of the sa MARKET TAKEN THE PROPERTY OF THE PARTY OF TH watered him to be a few and the first of the contract of the c when all to know to our control one and the formation national and adjusted adjusted the control of the property. was proceed out to second out to be suited by the method of the second Afternoon on the Law Statement State and Law Statement and at pullment to make a send from a first property of All Addresses of the speciments and the speciments of the state of the speciments of Description of the state of the THE RESIDENCE AND ADDRESS OF A PERSON NAMED IN COLUMN 2 IN COLUMN

spropriate office or individual for sovice or setisfaction. The responsibility rests upon all individuals
in whom is vested supervisor; or managerial authority to
assure the employee that his problem, even though it does
not qualify by definition as a grievance, is worthy of
consideration and deserves a decision together with an
explanation of management's policy in the matter.

An unequivocal statement on the Ravy Department policy of recognizing employee grievances and being receptive to them is included in MCPI 30. This is in amplification of the basic Department of Defense policy quoted as follows:

Any employee having a grievance shall be accorded a fair and prompt discussion with the supervisor immediately concerned and, failing prompt and satisfactory adjustment, he shall have a right to appeal under established grievance procedure. In presenting a grievance, an employee shall be free from interference, restraint, or reprisal, and he may designate a representative of his own choice to assist him.

Expressions of policy are good as far as they go, but they must be given life and substance if they are to accomplish objectives. This is recognized in MO.I SO where management's responsibilities are delineated.

⁵Statement of Personnel Policy for Civilian Personnel in the Department of Defense, dated 15 October 1943, by the Secretary of Defense.

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Cortain positive action which management rust take, in addition to having the sed intention to recognize and eliminate sources of grievances, are presented. They include:

- (a) All employees should be informed of the procedure for the initiation and disposition of the grievance action.
- (b) All levels of supervision should be trained in their responsibilities in handling employee grievances and appeals in accordance with the prescribed procedure.
- (c) Crievances should be settled at as early a stage as possible.
- (d) Grievance decisions not favorable to the employee should be fully explained, and the basic authority for the decision, cited.
- (e) The Grievance Procedure Chart should be posted prominently in shops and offices. This is a graphic representation of the grievance procedure, together with the minimum essential details of its operation.
- (f) Supervisors who engage in discriminatory actions in handling grievances should be effectively disciplined.

Having considered the legal and historical basis of grievance procedures, the definition of a grievance, and the policy and responsibility of management in handling grievances, it is now appropriate to discuss the actual mechanics involved in the adjustment of an employee's grievance. Actually, two separate procedures are set forth

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in Mort ed, one for field employees, and the other for departmental employees. Ince both procedures are fundamentally alike, with only minor variations, the procedure for field employees only will be discussed herein.

Pirst Stage - The apprieved employee is first required to discuss his grievance with the immediate supervisor. The supervisor is expected to investigate the matter in detail, seek such council as may be necessary, and arrive at a decision based on the facts. The NOTI states that it is considered preferable for the apprieved employee to present his own case, although, if desired, one fellow employee from the same shop or office as the apprieved employee may

Second Stage - In the event that the matter is not settled to the employee's satisfaction at the first stage, an appeal may be submitted, either orally or in writing, to the employee's senior civilian supervisor. The latter is required to make prompt arrangements for a hearing. At this point, either the employee or the senior civilian supervisor may call upon the shop personnel supervisor for assistance on technical points. The employee is required to be present at the hearing. He may select not more than two fellow employees from his own shop or office to accompany and represent him. In addition, witnesses who have personal knowledge of the matter may be called. A record of the hearing must be kept. The decision

assist or participate in the discussion.

the course of the contraction bear out on the contract of which we are not as the state of the state o DESCRIPTION OF THE PERSON NAMED IN COLUMN 2 AND POST OF THE PERSON NAMED IN CO and the second s of medium territorial experience and the grant points the same realizable and the section of the property AND DESCRIPTION OF THE PERSON I TO VALUE AND ADDRESS OF THE REAL PROPERTY OF THE PARTY all you would differ you see hand of the land on the own outs from named by the property of the party of the pa the same and the same of the same and the same of the employee department and in contract to pass man our sort AND DESCRIPTION OF THE PARTY OF Address were not recover more party design and not or provide toward. the property states and in the contract of the parties and the of coulding to be placed because anything of the law of all would not amount on the contract of the party of the last of t AT A DEPOSIT A 1972 AND ADDRESS OF THE PARTY OF THE PARTY. COLUMN TO SOUTH THE PARTY OF TH management of the last part and many like the part with the last at higher the second or the second of the second of the Not statute the second of the market and the same of the sam manager appropriate to the finishment by the contract of affective or the parties of the manifest of the every want or Addition of a tipe or the province but he to any

rendered by the senior civilian supervisor must be in writing, and if not favorable to the employee, must include reasons therefor with supporting facts. Furthermore, the employee must be notified of his right of appeal to the next, or third, stage.

Third Stage - If the aggrieved employee is not satisfied with the decision rendered at the second stage, he may then submit his grievance in writing to the commanding officer of the activity via his senior civillan supervisor and department head. The senior civilian supervisor is required to attach all second stage hearing records to the employee's letter and forward them to the commanding officer via the department head. At this point, the department head reviews the appeal. If he considers that the employee's position should be upheld, he can so notify the senior civilian supervisor thus closing the case. Or, if the department head concurs with the senior civilian supervisor, the case is forwarded to the commanding officer who is required to convene the Field Grievance Advisory Committee.

The function of the Field Grievance Advisory Committee is to review and investigate grievances appealed to the Third Stage and, after due deliberation on all the facts, to submit appropriate recommendations on the case to the commanding officer. The committee is composed of three members, all appointed by the commanding officer. To

 qualifications are established for membershi. In this conditions are established for membershi, In this condition accept that the individuals selected possess general over-all knowledge of the activity and that they have not been involved in any way with the grievance at issue in its first or second stage. One member must be an officer; one member must be a civilian. The third member may be either military or civilian.

The Field Grievance Advisory Co. mittee, upon being convened by the commanding officer, undertakes a review of the case by scrutinizing the written record, hearing testimony from the aggrieved employee or witnesses, and conducting any further investigations which may appear warranted. The employee is required to be present at the hearing and he may select not more than three persons to accompany him. They may be fellow employees or others. It is to be noted, that it is at this point that a person other than a fellow employee may participate in the grievance procedure to assist the aggrieved employee. The committee then prepares its surmary of the case, including minority reports if any, and submits recommendations to the commanding officer. The commanding officer reviews the committee's report and notifies the employee in writing of his decision. If the appeal is sustained, the case, of course, is closed; if the appeal is not sustained, then partiment factual reasons for such action must be given. In addition, the employee must be notified

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ourth Stage - Assuming that the grievance has not been settled satisfactorily at the third stage, the employee asy submit a written appeal to the Under Secretary of the avy via the particular bureau or office which controls the activity at which he is employed. So that all details of the case will be clearl, understood at the departmental level, - special rest to earl form has been prescribed to which a copy of the record of all previous hearings and the personnel roller of the employee are attached. The bureau chief then forwards the complete record of the case to the under Secretary of the Navy with such recommendations as he may feel to be of value in assisting the Under Secretary to arrive at a final decision. The bureau chief is also required at this time to nodinate a person from his organization to serve as a member of the "avy Department Gricvance Appeal Board which converse for a final review and preparation of recordendations to the Under Secretary of the Navy.

The Board may accede to such a request if it considers that additional evidence is required to gain a complete understanding of the case. The employee may be represented by three persons of his own choice at the hearing. The case is then reviewed by the Board and its advisory

A COURSE OF THE PARTY OF THE PA print the last time to the second of the last time to - magazine and a words desired and the contribution of the amountainty which the property of the contract of the late of the contract of the late of difference of the control of the con ALIANDE AND ADDRESS OF THE PARTY OF THE PART Asserted payon and the Asserted to the Call of the same of the when pand and much designed distributions of charge or allowed the property of the first state of the state was required the to remove the state of the conference miniput and assumpt was delice over my origination open and he quirties had not not see her me to be desired SHART THE REAL PROPERTY OF THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER. And it is not been seen as the property of the party of t made where the resuggested region is public to the common of the same A SECURE OF STREET AND ADDRESS OF THE PARTY COLUMN PROPERTY AND ADDRESS OF THE PARTY AND A white party is a substantial of the second section of the second A THE RESERVE THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER.

recommendations are subsitted to the Inder Secretary of the Navy. The final step in the appeal process is that of review and decision by the Under Pecretary of the Navy. The employee is then notified of the decision and the case closed.

lavy Department Orievance Typeal Toard - Since the Havy Department Irlevance forcal card plays an important role in undertaking the last witi-party review of a grievance case, and since its recommendations carry great weight with the Under Secretar, in arriving at a final decision in the matter, it is of interest to consider the composition and procedures of this body. As indicated above, the function of the Nav, tegartment Grievance Appeal Board is to review and submit recommendations on fourthstage employee grievance appeals to the Under Secretary of the Navy. The Board consists of three members. Two members are designated from the Office of Industrial Relations, one of whom, as principal member, acts as Chairman of the board. The third member is neminated from the bureau or office concerned in the appeal. Frovision for desi nution of alternate members is also made.

In addition to the three official members of the Board, a mecorder is assimed from the Office of Industrial melations. The Recorder is responsible for a full presentation of all pertinent facts and for preparation of a

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record of all hearins, including both majority and minority opinions in cases of disagreement. He may enter into
discussions of the case, but his personal opinions may
not be made a matter of official record nor has he the
right to vote.

In performing its appellate and advisory function, the Board determines its own internal procedures. It may consider a case on the basis of the record as presented to it, or it may institute further investigations of its own. It may consent to or deny a request for a hearing by the aggrieved employee. Furthermore, it is authorized to call upon any individuals involved in the case for assistance in furnishing records, statements or testimony, either orally or in writing.

The recommendations of the Board, as noted previously, are submitted to the Under Secretary of the Navy as a basis for his review and final disposition of the case.

There is no provision for appeal to the Civil Service

Commission of an employee grievance arising from the working environment.

Time Limitations for Handling Grievances at Various Stages

Most authorities on grievance procedures agree that the prompt handling of grievance cases is one of the most important factors in the operation of an effective grievance system. Misunderstandings and dissatisfactions which

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are not considered and sajisted fulri, and with reasonable dispatch invariably pass through a shouldering period and, in the end, assume a seriousness for boyand their initial condition. This circumstance is recognized in the Mavy's No.1 80 wherein it is established that employees must submit grievances within a certain time period following their occurrence if the are to be also set for consideration by management. Time limitations are also set for consideration of a grievance at any given stage beyond which, if the grievance is not settled, it must be passed along to the next higher stage.

In submitting a grievance for consideration under present procedures, havy employees are expected to present the matter as early as possible and generally within thirty days of its occurrence. There is no specific ban, however, on accepting an older grievance for consideration. A decision at the first stage, which involves the aggrieved and his immediate supervisor, is expected within two working days. At the second stage, which involves the aggrieved and his senior civilian supervisor, a decision should be made within five working days. At the third stage, which involves the aggrieved, the field Grievance Advisory Committee, and the commanding officer of the activity, a decision is normally expected within ten days. Frovision is made for delaying decision at any stage, but the employee is supposed to be officially informed of such

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delay with the reason therefor and advised as to the date a decision can be expected. To formal time limitation is established for fourth-stage considerations by management in the office of Under Secretary of the Navy.

Not only are time limitations established for rendering decisions by management at the first three stages,
but also the employee is required to observe comparable
limitations if he elects to refer his grievance upward
through the four-stage procedure. An appeal by an employee
must be received within three days after decision at the
first and second stage and within ten days after decision
at the third stage.

that, under ordinary circumstances, not more than twentythree days should occur between the original submission of
a grievance and the date of decision by the commanding
officer of the activity concerned. The time required for
the fourth stage decision in the office of the Under
Secretary of the Navy would be in addition and of unknown
duration.

Records and Reporting - Minimal requirements for keeping records of grievance cases are established by Navy Department directive which make it necessary for each activity; bureau, or office concerned to record essential details of grievances arising therein which are carried beyond the

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first stage. To contralized reporting or auditing of grievance cases occurs.

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Introduction

In the field of employee trievances, which by its
very nature is prome to be charged with human emotions
and tensions resulting from real or fancied wrongs in the
working environment, it is to be expected that questions
relating to the adequacy of prescribed procedures will
arise frequently and with great variety. A sub-committee
of the Federal Personnel Council, in investigating agency
grievance procedures, has this to say:

It is important to note that criticisms which reflect basic dissatisfaction with a sancy prievance and appeal procedures come with about equal frequency from both men goment and employees. 'On the management side there are still signs of reluctance to accept the theory of employee rights and management obligations which underlie formal grievance procedures, and a disposition to re and the procedures as something of a nulsance and an obstacle to proper exercise of disciplinary authority. On the employee side there is planty of evidence that employees and employee unions lack confidence in the griovance machinery of individual agencies and are anxious to preserve and even extend their rights of appeal outside the a encies to the Civil Service Commission.

Draft deport (For discussion only) of Sub-Committee on Grievances and Appeals. Federal Fersonnel Council, Civil

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Tome of the tore frequently voiced criticisms of the present agency grievance procedures have been enumerated by the sub-committee on prievances and appeals of the Pederal Per onnel Council in its preliminary draft report. These have reference to agency grievance procedures generally and may, or may not, pertain to the Pavy Department. Additional criticisms are mentioned which are the Judgments and conclusions of the writer based on personal experience in dealing with civilian employees of the Mavy under existing grievance procedures.

Common Criticisms of Agency Procedures

The sub-cosmittee of the Federal Personnel Council states the following to be common criticisms of agency grievance procedures:

(a) "Complicated and Time Consuming" - A common criticism of agency grievence procedures is that they are too complicated and time consuming in operation and excessively legalistic in outlook. It is frequently contended that the average employee is "lost" in the technical details of grievance procedure without the assistance of a consultant or grievance steward from the union. From the position of management it is alleged that the average supervisor is handicalped in following

Cervice Commission, July 1980, p. 5.

Anthermore and that an analysis is a surject to the series of the series

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personnel technician. Thus it is argued that the fundamental purpose of griev noe procedures is vitiated in
that the aim of providing a system, whereby employees and
management can readily determine basic causes of grievances
and find the best way to resolve the dissatisfaction, is
not realized.

In considering the laregoing objection, it is necessary to draw a careful distinction between those grievances which are successfully resolved in the first or second stages and those which are carried into the third and fourth stages. In the former situation, an air of informality may prevail, since only first and second line supervision is involved and the grievence may not even be reduced to writing. The criticism of procedures being too complicated and time-consuming would not appear to apply to most grievances, since the great majority of thou are settled at the first or second stage. Third and fourth stage grievance hearings are surrounded by greater formality, including presentation of a written appeal, and the appointment of a fact finding board which submits a recommendation to the head of the agency, or in the case of the Mayy, to the commanding officer and the Under Secretary of the Mavy. It is in this area that the

²Sub-Committee on Grievances and Appeals, op. cit., pp. 5-5.

Companies at the authority of the companies of the companies of assessment by the American or Sandral's Labour a country Andread on April 1 and the April 200 Court of Charles and April 200 Court of Charles and C they have not out a property and taken decay has account would be also so provide the provide absolute will be seen you are a series of the party of the collins. NAME AND ADDRESS OF THE OWNER, THE PARTY OF party about not be adjusted for a party of the same of the special root follows on his control of the Depth of Depth of the State of the S the application of the party and the same party of the same and property how so buy a writing the court of the land of the sound o national of December 20 and the property spain front after a magazine with a partition of the article and the state of solvenia and the second where part at the agreement of the state of the later of the which may been beautiful and beautiful may be all agrees only be pits many norm about all out the appear may be processed.

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criticism referring to procedural cumplications is generally encountered.

Healizing that third and fourth stage appeals are, in the main, those in which the employee has an appreciable interest at stake, it would appear that there is no other method to insure fair treatment than to provide ultimate appeal to the highest authority in the agency. The realities of time and distance leave no alternative than that the grievance situation be spelled out explicitly, including the complete history of all preceding hearings, so that the ultimate source of decision in the managerial hierarchy can act in the light of complete and undistorted knowledge of the facts of the case. From this point of view, a "simple" grievance procedure probably never can be realized. In answer to the objection that existing procodures in the advanced stages are too time consuming, it is pertinent to observe that no grievance machinery can be self-operating. In a grievance situation, other than in the most simple problem, it is expected that management will be called upon to exert its best skills in an unhurried atmosphere so that all facets of the problem at issue may be brought to light.

Referring to the prievance procedures of certain Federal agencies, the sub-committee states:

It is probably true, as oritics allege, that the procedures of some individual agencies are too

when the party of the latest and the and difference care to report year and in the last contract years and the the set from a death former of the set of a private or a service of the AND THE RESIDENCE AND ADDRESS OF THE PARTY O and the second particular and the second par STATEMENT OF THE RESIDENCE OF THE PARTY OF T self-fillings are builted as an impact and the self-filling application of the last temperature of the same and an application delination with all the below to recover the court and their time. And the best of the set of the latter of the second is nationally also are assert to a second out it a reform AC AND NAME OF THE OWNER O were distributed and another the second or condition \$2 applications of study one with angular immediate and are also the production was related to dold a reason or mandered as and the second s wastern bull received to a personal door in- an an the mile of the party and desired the story of the contract of the published and to report the body or manyous telephone A THE RESIDENCE OF THE PARTY OF

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complicated and time consuming-not because they are too lengthy or detailed, but because they are not sufficiently clear and explicit. The solution is not arbitrar, simplification of the procedures, but careful attention to revisions which will clarify doubtful points in the rules and describe a series of clean-cut steps for employees and supervisors to follow. Timally, employees and supervisors alike are entitled to rely on the personnel office for helpful, impartial cuidance on every provision of the grievance procedure.

On this score, little or no criticism can be directed at CII 80 on Grievaness and Complaints. Its provisions, admittedly lengthy, are, nevertheless, clearly and explicitly stated and to the personnel technician would present no problem of interpretation. Assuming that the personnel office is adequately staffed, no problem of application of procedures would arise in the Mavy situation under normal conditions. However, in periods of declining allotment of funds and organizational contraction, there is an erroneous, although understandable, tendency for local officials to weigh the productivity of the personnel technician against that of the electrician or the draftsman. Too often the decision is unfavorable to the former with the result that prievance procedures, as well as other personnel functions, even though adequately presented "on paper" lose effectiveness in translation to the human situation.

Sub-Committee on Grievances and Appeals, op. cit., p.7.

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criticism is occasionally roard that agone, prievance procedures are excessively liberal or "losded" in favor of the amployee so that the process of prievance hearings degenerates into a lengthy and legally flavored across of proceedings in which the supervisor who tends to resist the action is pilloried and placed in the position of a defendant. Thus, it is alleged that supervision is discouraged from adopting fire action in handling such cases even where clearly justified.

Assessment of NCII 20 on Grievances and Complaints in the light of the "over-democratic" criticism would indicate that the objection has no validity. It is indeed possible that the opposite condition may be evident in some situations, which will be more fully developed in discussing the subsequent general criticism. While Mavy civilian employees have recourse to established grievance procedures there are no features of the system which give undue weight to the employee's position.

(c) "Imployee Can't Get a Square Deal" - Another common criticism of employees and employee unions is to the opposite effect—that some of the present agency grievance procedures make it difficult or impossible for employees to "get a square deal." This attitude finds

⁴ Sub-Cormittee on Grievances and Appeals, op.cit. pp. 7-8.

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expression in the occasional practice of employees to ignore the agency's appeal channels and to report their troubles directly to their favorite member of Congress or the Civil Service Commission itself.

Deficiencies in procedure, or in the competence of the administrator assigned to make the procedures effective, lie at the root of this objection. The remedy then must take into consideration both sources of possible mal-function of the grievance system.

In an objective analysis of : CFI 80 in the light of this charge, it would appear that a good case could be made for the present Wavy system. However, there are objections--two of which are cited for purposes of illustration.

(1) In the first and second stages of the grievence procedure, NCH 80 restricts those who can appear with, or represent the aggrieved employee, to one and two fellow employees, respectively. And they must be from the employee's own shop or office. In certain occupations or shops, which by their nature attract persons of low socioeconomic status, this restriction may effectively block the presentation of a grievance, not for reasons of procedural requirements, but from the personal limitations of the individuals concerned in the use of language,

SSub-Committee on Grievances and Appeals, op. cit., p. J.

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fluency of expression me at iler characteristics. To this extent the criticis, of the employee not being able "to get a square deal" has relevancy.

- (2) Unilateral determination of membership of the Field Grievance Advisory Loard in third stage hearings can operate to prejudice the interests of the employee. In the review of grievance appeals, the reaction of previous levels of authority exerts some influence on higher levels of authority. The Field Grievance Advisory Board is the first point of multi-party consideration of the grievance. The designation of this board by management alone, without opportunity for voice or challenge by the employee, is a device which has the affect, either directly or indirectly, of limiting the employee's opportunity for gretting a square deal."
- (d) "Too Many Different Channels and Procedures" The objection is heard with some frequency that there are
 a confusing number of procedures and a plethora of channels
 established for hearing and reviewing the various types
 of grievences commonly encountered in federal departments
 and agencies. It is frequently found that the various
 agencies establish different procedures for the administration of grievences arising from such matters as reductionin-force, position classifications, efficiency ratings,
 removal from position, racial or religious discrimination,
 and the ordinary grievences which originate in the working

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environment or relationships. Both employees and first and second line supervision are inclined to be confused by the procedural differences and details which at times may be perplexing even to personnel technicians. The reasons for these diverse methods are rooted in the historical development of employee appeal rights. As legislation or Executive Orders established the right to appeal, there followed specific procedures for a specific type of appeal built up in patch-work pattern over a period of years.

NCFI 80 on Grievances and Complaints provides for exclusion of grievances resulting from the following types of actions and prescribes other procedures for such cases:

- (1) Grievances resulting from reduction in force (NGII 170)
- (2) Orievances resulting from position re-classifications (NCFI 155 and 156)
- (3) Grievances resulting from efficiency ratings (NCFI 55 and 56)7

Reduction of the number of different procedures in effect and the adoption of a unified grievance and appeal system would have distinct advantages in clarifying procedural details in the minds of employees and supervisors

Sub-Committee on Grievances and Appeals, op. cit., p.10.

⁷ Naval Civilian Personnel Instruction 80, p. 1.

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alike. On this score it would appear that procedural unification and simplification is an objective worthy of greater effort within the Navy Civilian Personnel Instructions. The sub-committee has this to say:

Each agency should have a unified grievance procedure with a uniform channel and terminal point for all types of grievances and appeals. The sub-committee believes that such procedures are more possible of realization than is generally assumed and that unification can be substantially achieved within agencies without any new legislation or sweeping changes in civil service regulations.

Commission" - One of the criticisms of appeal procedures which engenders the greatest reaction from operating agencies concerns the legislative authority which the Civil Service Commission possesses in hearing employee appeals for certain personnel actions taken by the agencies and in reversing the agency decision if considered justifiable. This does not apply to grievances which spring from the working environment and working relationships, such as those covered by NCTI 80 on Grievances and Complaints. These matters cannot be appealed beyond the agency itself. The criticism of excessive Civil Service Commission authority pertains to grievances which result from reduction-in-force procedures, removals, and such personnel actions

⁸ Sub-Committee on Grievances and Appeals, op. cit., p.17.

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office and the part of the parties are supplied to the parties and the parties and the parties and the parties are parties are parties and the parties are parties are parties are parties are parties are parties and the parties are parties are

which are closely related to job tenure and the employee's future status in the governmental service.

It is conceded that the adoption of statutes and resulations which encourage civilian employees to rely on a final authority outside their own agency have worked to the impairment of the cause of better grievance and appeal administration generally. The answer to this criticism lies in the development of the principle of primary agency responsibility coupled with rigid standards-setting and inspection by the civil Service Commission. 10

Common Criticisms of Navy Procedure

In addition to the foregoing criticisms of agency grievance procedures generally, which are acknowledged by the Federal Personnel Council, there are other recognizable problems related to the administration of the Ravy's grievance procedure system. To the individual who is placed in a supervisory position over civilian employees of the Navy, and who, over a period of years, acquires a background of experience in adjusting grievance matters, there may develop a realization of the following items as common criticisms and as matters of fundamental importance in an appraisal of the present system:

⁹Sub-Committee on Grievances and Appeals, op. cit. p. 10. 10. 10. bid., pp. 10, 27, 28.

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(a) "The applyme on its Jun" inder existin lavy procedure, an exploree is, for all practical surposes. "on his own" in presenting a priovence at the first stage. Although he can expect advice on procedural aspects from the personnel office, he compt call upon qualified counsel to present his case for him as is common in industry. A concession of some small significance in this respect is provided in ACLI dO which permits the designation of one fellow enloyee from the employee's own shop or office to accompany and represent bim. The disparity in what might be expressed as the "positional power" of the immediate supervisor over that of the employee or a fellow worker serves, on occasion, as a deterrent to the presentation of a prievance. Lince discussion with the in ediate supervisor is the first step in the prescribed rievance procedure this "block." or at least reluctance, on the part of the employee can serve to negate or diminish the effectiveness of the entire procedure.

This reluctance to present grievances to the immediate supervisor is often influenced by the socio-economic status of the worker and is related to the position which the employee holds in the skill hierarchy of labor. An uneskilled man employed in a labor gang perferming casual work is much less prone to present a grievance and is more inclined to make the best of an unsatisfactory situation

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than is the more articulate shilled machinist who realizes his services are of prestor relative value to an organization. Nor does this reluctance apply, for example, to the civilian scientist in the Eureau of Ordnance or to the stanographer who can readily find another job. In any event, the assistance of qualified counsel, if desired by the employee, in presenting a grievence at the first stage would probably have the result of bringing more grievences to light -- which, in the final analysis, is what any grievence procedure is expected to do.

The point can also be raised whether or not the restriction on representation in the first stage presentation of a grievance expressed in NCFI 30 is in accordance with basic policy as promulgated by the Secretary of Defense.

On this point MCPI 80 states: "It is preferable for the employee to present his own case, although if he so desires, one fellow employee from his own shop or office may accompany and represent him."

The personnel policy of the Secretary of Defense states: "...in presenting a grievance, an employee shall be free from interference, restraint, or reprisal, and he may designate a representative of his own choice to assist him."12

¹¹ Navy Civilian tersonnel instruction 80, p. 2.

¹² Statement of Personnel Policy for Civilian Personnel

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the effect that the representative must be from the same such or office of the approved employee constitutes an abridgement of the policy of the Tecretary of the Lefense which pormits the designation of a representative of un-limited choice without restriction.

(b) "The Dunediate Supervisory Level se the Initial Hurdle" Assuming that the individual employee has overcome his reluctance to act "on his own" and has registered his arievance with the immediate supervisor, the contention is occasionally advanced that the immediate supervisor may attempt to stall, cloud the issue, or indulge in "lorse trading" with the aggrieved employee in the hope that the problem will thus solve itself. While the grievance is still in the verbal stage, the reaction of many minor supervisors is that the a frieved employee can be "talked out of it." As a result, a still greater dependence and premium is placed on the determination and resoluteness of the individual employee in seeing his grievence through to a fair and equitable hearing. The question may fairly be asked whether employees in the practical situation lackin; collective strength, can reasonably be expected to display an attitude of high purpose and steadfastness in pushing their grievances beyond this first stage if a

in Department of Defense of Cotober 13, 1949.

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reactioner; attitude as are on the part of the immediate supervisor.

Yost administrator, undoubtedly, have encountered such situations within the scope of their own experience. while occupying a position of responsibility in the rublic Works Department of a major shore activity, the writer has been approached by employees with grievance complaints of one type or another; some of which were probably apurious, and others well-founded. In such a situation, all that the administrator can openly do is to advise the employee to seek relief in the prescribed grievance procedure, explain the operating details of the system, and refer the employee to his immediate supervisor for a discussion of the grievance. Meanwhile, the administrator is warned of a potential focus of trouble in his organization and may sharpen his control of that particular unit without destroying the confidence of the employee. Subsequently, on informally checking to determine whether the employee was satisfied with the treatment received, very frequently It was determined that the employee decided to drop the entire matter. On one occasion an employee explained his action this way: "I've worked here for five years and I hope to work here many more. Mr. X (the supervisor) will be here a good many years after you military administrators are transferred. He is the follow I have to placate."

Correction of such situations as these can proceed

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on two froits. One is the effective training of supervisors in the proper sandling of prievences. It second, by strongthening the collective hand of labor in the process of presenting rievances. This latter process is fraught with complications in Tederal employment as will be mentioned in a later chapter.

(c) "Belay in landling Orlevances -- Administrative Lau Another frequently encountered criticism which havy employees direct at the rievance procedure is that supervisors above the first stage occasionally exhibit the tendency to place the rievance appeal on the "bottom of the basket," that is, to give preferential treatment to other administrative matters for which they are responsible and to tackle the somewhat onerous grievance appeals when they "have time" or "can get around to it." TOIT of on Grievances and Complaints establishes certain time limitations for handling priovances at the various appeal levels. 14 The phraseology of the MCIT is, however, susceptible to administrative manipulation. No sanctions are imposed for non-observance by management of tire limitations. In the face of the delay which the occasional unprincipled supervisor can raise in front of a grievance

¹³ Michael J. Jucius, repsonnel Panagement, p. 470.

¹⁴ May Civilian Fersonnel Instruction SO, p. o.

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appeal, it is contended that the individual employee has little recourse for remedial action within his activity or agency.

as it is a reflection on the individuals who administer the system. It is a truism that no system will be any better than the people who administer it. This certainly applies to grievance procedures. At the same time, efforts should be exerted to strengthen procedures. One possible solution to this particular complaint is that provision be made for employees to by-pass a particular level of appeal and be granted the right to proceed to the next higher level after a reasonable period of time has elapsed without action at a lower appeal level.

Discussion" The absence of a system of central reporting of first stage grievances at the activity level is sometimes viewed, if not as a deficiency, at least as a lost opportunity for higher management to learn many of the common causes of employee complaint and dissatisfaction. It is contended that if the potential sources of grievances were known, management could then anticipate "foci of infection" for grievances and take steps in advance to eliminate them. The experience of first stage grievances, if resolved satisfactorily between employee and immediate supervisor, or if not appealed to a higher stage, is lost

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to management as a means of improving procedure and bettering employee relations generally.

Adequate records of grievance situations and a disposition to "follow up" solutions to determine the efficacy of the remedy are of importance from the standpoint of management. 15 No less important is an alert interest in eliminating potential sources of grievances. To assist management in forestalling grievances, the creation of a system of centralized reporting of first stage grievance discussions would be of benefit. Such data could be presented in statistical form and need not necessarily be identified as to individuals concerned. In this way the informal relationship of first stage grievance discussion between employee and supervisor would be maintained. At the same time, higher management could benefit by a general knowledge of conditions which tend to generate grievances.

Grievance Appeals" Another critical reaction to the present
Navy Department grievance procedure is that a formal method
of audit or review of second and third stage grievance
appeals should be devised in order to protect employee
interests. Under existing procedures in NCFI 80, any
grievance appeal which is not carried to the fourth stage
(the Bureau concerned and the Under Secretary of the Navy)

¹⁵ Jucius, op. cit., pp. 476, 480.

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is kept by each activity indicating the nature and the disposition of any prievence carried beyond the first stage. However, it remains but a local record. It is contended that the slertness of local management in administering grievance complaints would be sharpened if the foreknowledge existed of periodical or surprise review and audit by an apper echelon or another agency.

The task of handlin; rievances is one that all levels of an organization must assume. It is to be expected that the effectiveness of the Navy's grievance procedure could be enlanced by a more active participation of upper command echelons in the field of audit and review of the grievance case histories at the local activity. No formal requirement of this nature is now expressed in NCFI 80.

Procedure" It is not an unusual experience for an administrator in the Navy to encounter civilian employees, some whose employment is of many years duration, who are completely unaware of the existence of an established procedure for adjusting grievances. Thus the occasional criticism is voiced that Navy management has been deficient in establishing adequate training and educational programs

lojucius, op. cit., p. 435.

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for enloyees so that, smon, other things, the details of the prievance procedure are answer to all.

This complaint is not one which reflects a linst the established rievance procedure as such, but rather is indicative of poor communication within the particular organization concerned. To system can be expected to function of itself at a level of efficiency above that of its human administrators. An authority on personnel management states that methods of handling rievances is one of several most important topics which should be made the subject of employee conference and discussion at successive levels of authority with the objective that all hands are to be thoroughly informed. As Judius aptly states, "...the ultimate aim should be unlimited coverage."

(g) "imployee Groups have No Voice in Selection of
Field Grievance Advisory Committee for Third-Step Grievance
Appeals" The review of a grievance appeal by an impartial
board at the third stage and the submission of the Leard's
reconsendations to the commanding officer of the activity
for guidance in arriving at a decision are important
elements in the established grievance procedure. However,
the manner in which the members of the board are designated,
as set forth in NGFI 80, by appointment by the commanding

¹⁷ Jucius, op. cit., pp. 304-307.

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proups. The position is taken that a unilateral determination of board membership by panagement coes not lead to strict impartiality in its deliberations and submission of recommendations. This criticism points up the somewhat delicate problem as to precisely what role, if any, should be played by employee groups or the aggrieved employee in determining, or participating in the determination, of the membership of the board.

The Sub-Committee on Grievances and Appeals of the Federal Personnel Council considers that competent fact finding by an impartial board is the touchstone for arriving at equitable solutions to problems presented in employee appeals. 18 The present standards of the Civil Service Commission, which establish general governing conditions for grievance procedures adopted by individual agencies, require that employees be given the opportunity to present their grievances to a standing board composed of employees of the agency. In no way is it stated in so many words that the board must be impartial. The more or less implied objective of impartiality is defined principally in terms of qualifications by which members of the hearing boards are determined. 19 In NCPI 80 the impression

¹⁸ Sub-committee on Grievances and Appeals, op. elt., p.21.

¹⁹ Loc. cit.

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desponsibilition. It wall no the responsibility of the field (rievines govern Cornittee to review and investigate grievances a caled from the second stage and to rate recommending officer only offer full and fair consideration of all the facts of the case.20

It is only fair to point out, however, that there is no stated requirement that the recor endations be arrived at in the light of the facts as determined, but only to make recommendations after the facts had been fully and feirly considered. There is a not too subtle distinction.

it is desirable that employees participate in some Lanner in the designation or selection of its members. I Exclusive authority to designate members by management engenders criticism of the board as anagement dominated and lessens its prestige in the eyes of employees as an impartial fact finding group.

Dome federal agencies have countered this objection by making provision for some form of direct employee participation in the selection of members of the hearing board.

This represents an extreme vice and is open to the serious objection that it may tend to undermine or diminish manager-

²⁰ Mayy Civilian Fersonnel Instruction 00, p. 4.

²¹ Sub-committee on Grievances and Appeals, op. cit., p. 21.

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ial authority and responsibility. There are the nethods now in use in certain isderal agencies whereby exployees participate directly in the selection process. They are:

- (a) One rember selected by sanagement; one member selected by employees (or agrilleved employee); and, the third member selected by rutual agreement of the first two members.
- (b) Selection of board members from a panel which had previously been elected either in whole or in part by employees of the activity.

In order to avoid direct employee participation in the election of the Field Grievance Advisory Loard and, at the same time, to negate the charge of ranagement domination of the board, the sub-committee of the Foderal Personnel Council recommends the selection of board members by management with the individual appointees being subject to challenge for cause by the employee. 22 The method of challenging jurors for a criminal court case could be cited to illustrate the point. Under the proposed method the employee presenting the grievance would have more assurance than at present of an impartial hearing. Also, the burden would be placed squarely on management to select members who are not only competent from the technical standpoint but who stand high in the

²²Sub-committee on Grievances and Appeals, op. cit., p.23.

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respect and estee of employees generally. The sub-

... this method provides complete flexibility and places full responsibility on management for selection of capable, well-qualified individuals to serve on the board. The indifferent quality of many hearing boards in the past has been one of the most vulnerable points in agency appeal systems. 23

(h) "Lack of Statistical Information on the Scope of Grievance Occurrence" As noted before, there is no requirement in NOII 30 that first, second and third stage grievance hearings be reported for the purpose of centralized review and statistical analysis. Under current procedure there is no record maintained of first stage grievances. Records of second and third stage hearings are filed at the particular naval activity where they occur. While it is known in a general way that such grievance hearings do occur, there is no convenient or practical way of ascertaining the frequency of grievances, the common course of grievances, the usual stage of settlement of particular types of grievances, and similar information which could be made meaningful by statistical analysis. The dimensions of the grievance problem in the first three stages actually remains unknown to higher management.

Fourth stage grievance appeals are, of course, submitted for consideration by Navy management at Washington.

²³ Sub-Committee on Grievances and Appeals, op. cit., p.24.

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of statistical information in and attention and attention attention and attention attention and attention attention and attention and attention and attention and attention and attention and attention attention and attention attention disseminated in the field on frequency and severity of lost-time accidents. The effect of lost-time accidents on operational efficiency is readily apparent; the effect of deficiencies in the operation of a prisvance system can, in a less dramatic manner, adversely affect operational efficiency.

Summary

In the foregoing chapter a view of some common eriticions has been presented, not only of the current Wavy employee grisvance procedure, but also of Federal agency procedures generally. Some are undoubtedly valid in whole, others in part and under certain circumstances, and some may be of questionable validity. Saving presented them for consideration, it is now the purpose of this thesis to center interest on general features of grievance procedures in collective bargaining contracts in industry and commerce with the view of determining whether practices exist in this extra-governmental field which may have

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The industrial empire in our American economy is diverse and complex. It is affected by an almost endless variety of factors which make for non-uniformity. Like-wise, there are a multitude of variables which are characteristic of American labor when considered in the aggregate. The possible combinations in which all these variables could be blended would indicate that no one grievence procedure is capable of universal application. And this is amply demonstrated by a review of the many different types of grievance procedures found in collective bargaining contracts.

ant mechanic in the building trades must necessarily be handled differently from disputes which arise in a massoth industrial plant employing thousands of workers. Similarly, a complex organization in a mass-production industry with several echelons of supervision requires a grievance procedure considerably different from that needed in the small

¹s. T. Williamson and herbert Barris, Trends in Collective Bargaining, p. 120.

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which are not noted than any analytic and an expension for a section of a section o

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owner-operated and handed shop or store. Thus, the form of grievence procedure area in a particular situation is generally the fruit of emprience in relations between management and unions in that situation over a period of time.

rlans which have been successfully used in handling grievance disputes range from the two-step procedure to the four or more step procedure. Other variants may or may not include resort to arbitration if the step negotiations within the company and union relation prove fruitless. Many collective bargaining contract procedures provide for union sponsorship of a grievance if the first stage of initial efforts at settlement fail. Other matters of interest include consideration of the role of the shop steward, the Employer Grievance Committee, and the Shop Committee. Another element of importance which greatly influences the success or failure of the grievance procedure is the time schedule established for successive hearing stages. All these features of grievance procedures are worthy of further elaboration and consideration.

² williamson and Marris, op. cit., p. 120.

³ John A. Lapp, How to Handle Labor Grievances, p. 89.

⁴ Edwin C. Mobbins and others, Collective Bargaining Contracts, pp. 253-289.

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Iwo-step spievance procedure

The two-step prievance procedure is commonly Incorporated in collective bargaining contracts negotiated between unions and relatively small industrial or commercial enterprises. The absence of several supervisory layers in management permits rapid referral of the grievance directly to the individual representing ultimate authority in the business, if the complaint is not settled at the lower level.

In operation, the two-step procedure calls for lodging the grievance or complaint by the aggrieved employee, or the union representative acting for him, with the foreman or supervisor. Assuming that the difficulty is not satisfactorily resolved at this level, the problem is then presented for settlement to representatives of both union and management, who possess power of negotiation and decision. The contract may or may not provide for arbitration by a third party if these representatives cannot agree.

Typical of the two-step grievance procedure is the provision incorporated in a contract between the Grays Harbor County Laundrymen's Association and Laundry Workers International Union-AFL which provides:

SLapp, op. cit., p. 90.

dobbins, op. cit., p. 257.

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- (a) Any employee having a frievance shall take up such grievance with the head of the department having proper charge where such grievance has arisen and endeavor to reach an adjustment in line with the provisions of this agreement.
- (b) If no mutually satisfactory adjustment of the grievance is thus consumnated, the Business Agent of the Laundry and Dry Cleaners Union may then take the grievance up with the manager of the plant and endeavor to reach an adjustment of the grievance.

As a general principle, grievances should be settled as near their point of origin as possible. Thus the grievance plan which employs the fewest possible steps, giving due consideration to complexities of management organization, is most likely to succeed in furthering good industrial relations. Within limitations, stemming from the size of the enterprise, the two-step grievance procedure has inherent advantages of simplicity and of direct contact between the parties at issue.

Phree-Step Grievance Procedure

The three-step grievance procedure represents an extension of the two-step system in that it provides for two appeal levels above the stage of filing an initial complaint by an employee, or his union representative, with

⁷Robbins, op. cit., p. 257.

^{82.} Wight Bakke and Clark Kerr, Unions, Management and the Fublic, p. 396.

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The engloyee's former of toping or. With engage for use in an enterprise in which there are more echelons of supervision than those mentioned under the simple 'wo-step procedure.

Provisions as to the person who will represent management and the union at the three levels of action differ
widely in collective barysining contracts which contain
the three-step grievance procedure clause. In general,
however, negotiations would likely involve the following
individuals:

- (a) First Step -- The a grieved employee, or his union steward and the foreman or supervisor concerned.
- (b) Second Step--Representative of the union above the shop steward position and a representative of management generally a departmental head or personnel officer.
- (c) Third Step--An individual or committee representing the local, national, or international union and an
 individual or committee representing top management of the
 company.

A variation in the usual relationship of these participating in the third-step negotiations is found in a contract between the Seattle Waster Builders Association and the Seattle Building Frades Council -- A. L. in which a joint adjustment board, consisting of both union and management

⁹ Lapp, op. eit., p. 89.

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agents, is empowered to render a final and bind a decision on any matter at issue. 10 Assuming that the board is staffed with competent men sincerely interested in the promotion of good relations between management and labor groups, this procedure would have the advantage of fostering a more unified outlook and furthering the likelihood of arriving at a mutually satisfactory decision with less haggling and less prolonged discussion and negotiation.

another interesting departure from orthodox procedures under the three-step plan is found in the collective bargaining contract between the Wallpaper Institute and the United Wallpaper Craftsmen and Workers--AFL. This contract empowers a Shop Committee representing the Union to operate at the second step as a screening device and to rule out any grievance complaints which it considers unjustifiable. It from a union point of view, such an arrangement facilitates union control. From the employee point of view, it limits his channels of redress. From a company point of view, it would tend to reduce unjustified complaints although, at the same time, it would have the very undesirable effect of suppressing situations which could continue to be foci of grievance infections and affect worker morale and production in an adverse manner.

¹⁰Robbins, op. cit., p. 258.

^{11&}lt;sub>Ibid., p. 260.</sub>

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The probability of the probabili

an arrangement discetrically opposed to the shop committee screening procedure explained above, is to be found in a contract between the Texas Company and the Oil Workers International Union-Clo wherein, as a second-step procedure, the aggrieved employee has the option of presenting his complaint through the representatives of the Union or individually through the representatives of any other organization or group of employees. 12

Pour-or-More-Step Grievance Procedure

The four-step method is the usual approach to handling grievances found in most collective bargaining contracts. 13 The larger the commercial or industrial enterprise, with a finer breakdown of responsibility between supervisory levels, the more necessary is it to arrange the grievance machinery to follow a similar pattern of organization.

Invariably, the four-step procedure is characterized by a greater formality of proceedings and by more dependence on a detailed written account. Additional steps may be added as circumstances in a particular industry or business dictate.

As in the less complex plans, there is in contracts which contain the four-step procedure a wide variation in

¹² Robbins, op. cit., p. 262.

¹³ Lapp, op. cit., p. 63.

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ment, involved at the several states. Joneralizing, hovever, the simplest time of the four-step procedure would involve the followin individuals at the stages indicated:

- (a) first Step The aggrieved employee, or his union steward, and the foremen or supervisor directly in charge.
- (b) Second Step The aggrieved employee and a tember, or members, of the union's shop committee, and the department superintendent.
- (c) Third Step The stop committee of the union and the works manager.
- (d) Fourth Step The shop committee of the union, with representatives of the national or international, and representatives of tor management of the company. 14

A review of four-step grievance procedure clauses found in collective bergaining contracts reveals appreciable differences as to operating details. Some contracts, such as that between Bell Aircraft Corporation and the United Automotive Workers--CTG, exclude the appreciable employee from personal participation in the later steps of the grievance hearings and provide for exclusive Union presen-

¹⁴ hobbins, op. cit., p. 265.

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tation of the employed to case. 15 some advantage, and disadvantages resulting from this a prouch can be visualized. From the standpoint of the Union and the Company, it would probably make for more harmonious and objective appraisal of the problem since the immediate participants, who are most likely to be somewhat emotionally aroused about the matter, are not present at the scene of discussion. Likewise, those problems which reach the final stages of grievance action are most likely to involve basic Company and Union policy and questions of mutual relations in which individual employees and lesser Union representatives should not be involved. On the other hand, a resort to what might be termed "star chamber" sessions between higher Union and Management officials on questions of individual grievance may well provoke disloyalty on the part of the Union member on the basis that his grievance is being used for "logrolling" purposes. 16

A novel application of the four-step grievance procedure to a seagoing situation is found in the contract between the Earline Department of Standard Oil of New Jersey and the Esso Tankermen's Association--Independent. As might be expected, the grievance clause is designed particularly to meet the needs of the working situation afloat.

¹⁵ Robbins, op. cit., p. 267.

¹⁶ Bakke and Kerr, op. cit., p. 396.

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the problem is held in elegance until the slip marches
it home port. In the mantime, the apprieved employee
is obligated to perfor assigned duties without question.
The sequence of the prievance procedure in this situation
follows:

- (a) First Step Aprieved employee, with issock tion representative, presents prievance to head of department aboard ship.
- (b) Second Step Agri ved employee, with Association representative, presents grievance to Chip's laster.
- (c) Third Step Aspeciation representative and Operating Langer of Marine operation of the Company.
- (d) Fourth Step Board of Movemors of Association and Vanager of the Parine Department for the Company. 17

Another variant in the use of the four-step grievance procedure is noted in the contract between the W. F. Helmz Company and the Cannin and Pickle Morkers--APL. It involves substitution of an Employer Crievance Committee and a Union Pactory Grievance Committee in the second and third steps in lieu of individual negotiations. Thile

¹⁷ Robbins, op. cit., 2. 200.

¹³ rbid., p. 265.

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this process say result of application of smalltronal view points, it also has the classowness of possible recourse to delaying, or per aps obstructionist, tactics by a sinority.

Function of Shop Steward or Union Appresentative

stated in the collective bar aining contract and the initial translation of its cold legal provisions to a work situation, charged, perhaps, with aroused enotions, is dependent largely on the skill, understanding, and ability of the Union representative at shop level. The individual serving in this position is generally referred to as the Shop Steward or Shop Committeeman. In some respects, the steward's responsibilities are greater than that of the foreman.

The importance of the position in the furtherance of good working relations warrants a consideration of the duties of the steward and the manner of selecting the individual.

Handling grievances for employees and representing employees at company hearing a latthe grime function of the shop steward. 20 In this capacity he is called upon to

¹⁹ Lapp, op. cit., p. 114.

²⁰ dobbins, op. cit., p. 268.

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exercise a alcet, of america has this to say to its stewards:

make a final decision or jublic declaration until you know both sides of the grievance.

Refuse to handle unjustified grievances. There are two kinds of unjustified grievances. First, the grievance that is not covered by the contract. Usually grievances not covered by the contract should be corrected, but you cannot do anything about it unless your contract covers it. Secondly, there is the grievance that is not supported by facts. Ascertain all the facts concerning every grievance submitted to you by your fellow employees. If the grievance is not supported by facts, be BIG FNOUGH to say so frankly. If a member of the union is not satisfied with your decision, he can always take it up at the union meeting. 22

Contracts commonly specify the number of stewards required for its administration as well as the manner of their selection whether by appointment or election. The latter is a common method in organized shops. One steward for each department or one for every fifty employees is a somewhat common requirement of collective bargaining

²¹ Lapp, op. cit., p. 114.

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contracts. 23 In the printing crits, the "chapel" in each establishment elects a "chapel" chairmen. In the parment trades a "shop chairman" may represent a whole floor. Bangs of from eight to twenty longshoremen choose pany "stewards." In the automobile industry, there is one "shop steward" for every thirty to fifty workers.

Steel and rubber workers either deputize shop stewards or elect from one to three prievance committeemen to represent entire departments of many hundreds of workers.

Construction workers often have stewards to help business agents. The "pit committee," usually three men, is the basic representative unit of the coal miners. 24

As a further recognition of the importance of stewards in operation of an efficient system of administering grievance action, contracts now commonly provide a special protective clause which grants highest seniority in their respective departments to union stewards, committeemen, or officials. The purpose of this provision is to avoid the possibility of disintegration of the grievance machinery as a result of layoffs. In an old well-established union in the crafts, this device is probably not particularly important since the employee selected for the steward assignment is, in most cases, a veteran employee with

²⁵ williamson and Harris, op. cit., p. 118.

²⁴ Loc. cit.

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reasons ly in a continuity of the rievance occurs in the protection of the continuity of the rievance system in loss well-established industrial unions in mass production industries. 20

Another important duty which develves upon the steward is the reporting of any violations of terms of the contract, if he considers it necessary after observation and detection. In the vernacular, this function is often referred to as "policing the contract." Here again is rere opportunity for building and cementing good industrial relations by the discreet use of authority. Conversely, the inept shop steward can cause a deterioration of good will and understanding between the union and management.

Function of the Shop Co. Littee

Many collective bargaining contracts provide that shop committees be created to represent the general interests of the employees in grievance matters. 27 The manner and extent to which the work of the shop committee can be integrated into the prescribed grievance procedure is worthy of some consideration.

Under some contracts the sho, committee supplants the

² Lapp, op. cit., p. 113.

²⁰ Kobbins, op. cit., p. 200.

²⁷ Ibid., p. 272.

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and steamed and initial one ver siret state of a risvince complaint. This are an elent is topified by the contract between the last in ton Times regald and the assinaton Newspaper build--0 0.20 This procedure suffers, at times, from its procter formality. Feradual discussion between the two parties is ediately at issue dous not occur. In the meantime, gending the convening of the committee, a further deterioration may occur in the situation affected by the completet. Other contracts eliminate this disadventage by bringing the shop consists e into the scene only in the second or later steps of the procedure, thus permitting free discussion between the aggrieved employee and the shop staward on the one hand, and the foreman on the other, at the first step. It is of interest to observe that, according to one authority: "In some industries as high as 85 per cent of all crievances are settled at this (meaning the first) sta e ... 29 There is a great advantage in preserving an informal atmosphere during the first step of the procedure.

The shop conmittee can function in a variety of other ways, as provided under various contracts, 30 by requiring a review of penalties and dismissals, by exercising a

²⁸ Robbins, op. cit., p. 273.

²⁹williamson and Harris, op. cit., p. 121.

³⁰ Robbins, op. cit., p. 273-275.

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rievance actions, and by participating to joint, multiplant committee work where the size of the basiness enterprise warrants such inter-plant collaboration.

The number of members on the shop committee is usually specified in the contract and may range from five to eight. The method of selection of committeemen is usually by election. Certain standards such as citizenship, the ability to speak inglish, and a specified period of employment with the company are occasionally demanded.

clauses pertaining to the conduct of the shop committee's business as to whether it is to be conducted on or off company time. Some contracts provide for meetings at regular intervals; other committees meet only on call. Certain contracts provide for committeemen to be paid by the union; more common is the proviso that the company pay them. The relative bargaining strength of the parties at the time contract negotiations are under way generally determines such questions.

Use of Employer-Union Parallel Committee System

Some contracts establish separate employer committees

32;bld., p. 276.

³¹ nobbins, op. cit., pp. 277-278.

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to represent the interests of sample ent throughout each state of the prevence processes. And on the sine of the union a parallel siste of conditions is created to present the employee's case. The of different conditions representing union and a magnificant at each of three or four states of prievence action can give rise to procedural questions of such complexity as would outshedow the original prievence completely in the interest would probably have the result of preventing the solution of preventing the solution of preventing the solution.

Time Schedule for Fandling Orievances

Ultimately, any grievance procedure depends for its success on good will, together with an appreciation by each side of the other party's point of view, and a mutuality and singleness of purpose in striving for an equitable solution. No better evidence of this spirit can be found than in the prompt consideration of rievance complaints at all levels of responsibility. The Department of Labor has this to say:

Nothing is more important about grievance settlement than prompthess. Frievance proceed-ings that drag out usually give rise to a suspicion of stalling. In such a case, even a favorable

³⁵ Aobbins, op. cit., p. 200.

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To establish desirable time so, edule standards in adjusting prievances, most collective bargaining contracts specify with prester or less precision the mutual objectives of the parties in this respect. One extreme can be illustrated by the contract between the fendix (viation Corporation and the United automobile Workers -- 110 which loosely states: "There shall be no unnecessary dela, on the part of Company or Union representatives in settling arievances. "35 Other contracts are pracise to the extent that grievance complaints aust be registered by the a prieved party within a specified time after the cause of grievance arises. Leny contracts provide a time limit for consideration of Trievences at each stop, as for example, a five-day limitation under which the aggrieved, or his union representative, has a right to proceed to the next appeal level if no decision is forthcomin within the five-day period at the lower level. 36 Provisions of the latter type would appear to have definite merit as a brake on the tendency which might exist on the part of some supervisors to adopt stalling tactics in the vain hope

³⁴Bakke and Merr, op. cit., pp. 633-640.

³⁶ Hobbins, op. cit., p. 283.

Silbid., p. 235.

All worselegate all people and a Cale Line Adaptions and adopted a Copperation date of the contract and in th - +224 or dealers and considering and an examination of these BY DRY MANAGERS AND ADMINISTRATION OF THE PARTY AND THE PARTY. and the Principles and the property of the pro stable transported of temporal states and an important Location rights . There was I do no constructed and his many and fight of each thinning or in the property to Take and LORDON MAD BY THE REPORT AND RANGE OF THE PARTY OF THE PA THE R. LEWIS CO., LANSING MICH. LANSING MICHIGAN PROPERTY. (LANSING MICHIGAN PROPERTY.) STREET, AND THE PARTY WILL SHELL WITHOUT STREET, THE PARTY OF THE PART obdit sold a shirter risorders pro- contra noncorri la mak we quite claim to this relation to an identificant and ANY DESCRIPTION AND ADDRESS OF THE PARTY OF and our newscory of warrier a single provides below to the single so and painting independency of the painting on the Lorentz Labour State. and in my princes. "The same would be in the party out-out to property in the olympia and which had been too transmit of heat many otherwise. MANUAL TRANSPORT AND ADDRESS OF THE PARTY AND ADDRESS OF THE PARTY AND ADDRESS. POSS HARR DIS ST WILLIAM DIVISION STORE TO PROFESSION

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chapter set forth the rucush responsibilities of both parties in a resitive say. It was accessently are found in typical contracts which are designed to resteet the employee and in this sense are neither negative nor restrictive in their purpose. They are designed to affirm positively an implied right of an employee to present his own grievance as an individual or to provent discrimination by an employer against the employee for so doing. Typical of the former is the contract between the Nouston Pipe Line Company and the fill torkers international Union--CIO which states:

Nothing contained in this agreement shall limit or impair the right of any individual, or group of employees, of the Company to present grievances to the Company at any time. 37

The anti-discriminatory clause, designed to protect employees who elect to seek redress of their complaints through the medium of the prievance procedure, is typified by the following excerpt from the contract between the Coleman Lamp and Stove Company and the Coleman Employees

³⁷ Robbins, op. cit., p. 266.

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The Company agrees that there shell be no discrimination against or criticish of day employee because of any prievence brought either to the Lanagement of the Crievance Committee, nor for any testimony or evidence presented by any employee in any rievance comfittee hearing or conference with Lanagement relative thereto, so long as such information or testimony is made in good faith....

of the N. J. Meinz Company contract with the Canning and Pickle Workers--A L. With respect to protecting employees who set the prievance machinery in notion, it states:

Fothing herein shall be construed as altering or in any way diminishing the established policy of the imployer which permits any employee to consult or confer with the Directors of the imployer.

Conclusions

The salient points gleaned from a review of current grievance procedure clauses as found in collective bargain-ing contracts are:

(1) The grievance procedure should be as simple as possible and involve a minimum number of appeal levels consistent with the supervisory structure of bot's management and union.

³⁹ Robbins, op. cit., p. 230.

³⁰¹bid., p. 237.

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adjusted the part of the contract of the contr

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- bettle in presenting a rieve of under the typical collective bargaining contract. It the very outset, the grievence complaint is given the attention of the Union representative, and if considered justified, is assumed by the Union as a Union responsibility in assumed settlement.
- (3) Shop committees and suployer committees acting in concert have an advantage in diversity of viewpoint resulting from the greater number of participating rembers; however when the exployer or shop superintendent deals with the union representative, prompt action may be more likely to occur.
- (4) A rigid time schedule for transferring unresolved grievance complaints to the next higher level is important. The provision that the aggrieved employee may proceed to the next higher level of appeal, if action is not forthcoming at a lower level within a specified time, is significant.
- (5) A grievance should be settled as near the point of its occurrence as possible.

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Thus for, the existing riovance procedure in the keyy Department and some operating methods for adjusting grievances in the industrial and commercial world as expressed in collective bargaining contracts have been considered. The procedures which the Mavy bepartment follow have been developed within the legal framework prescribed for the various departments of the government and are circumscribed by a multitude of legislative enactments, Civil Service rules and regulations, as well as Executive Orders of the resident. By contrast, the methods of commerce and industry for adjusting Trievances are less flavored with formality and serve to reflect the relative bargaining strength of management and unions at a given time. Phoquestion occurs to the observer as to whether it is possible, or practical, in a governmental agency to adopt policies and procedures more akin to industrial practices and of reater responsiveness to the legitimate needs and desires of the employees. In pursuing this speculation, it is portinent to consider briefly the right of Federal employees to organize in their own behalf. And as an extension of this right, it is in point to analyze a typical instance of

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ent and employees operated to the enemal employees to the enemal employees to the rest content of the enemal employees. The Tennesses Valle, but writy will be used for purposes of illustration to indicate the manner in which a governmental esency has, through the medium of collective bargaining, adopted methods of adjusting employee prievances which are similar in rang respects to those of private industry.

Unionism and amployee "group Dealing" in the Jublic Service

Unionization activities among public employees in the United States had its beginnings in the 1830's with efforts at organization centered on postal workers, policemen, and teachers. This novement came as an aftermath of the Spoils System which prevailed prior to the passage of the rendleton act in 1885, the root of the present Civil Service system. Organization of skilled and semi-skilled workers among the public employees followed along with the general labor movement in the United States of the late mineteenth and early twentieth centuries. The first union of Federal employees energy d in the postal service. There was no congressional recognition of the trend toward unionization at ong Federal employees until 1912 when the

loffice of Industrial telations, Circular Letter, 6 Apr 10:0, subject: Relationships with Organized Labor, p. 12.

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semi-skilled workers, there was little tendency on the part of other government emboyees to organize until the years 1910-1917, when living costs skyrocketed with the first world war. The dissatisfaction among government employees with low salary standards of the period gave rise to the first important organization among such employees with the for ation of the lational rederation of Federal imployees in 1917. Since that time the fortunes of Federal employee unions have followed the general pattern of the labor movement over the past thirty years in the United States with a period of general decline in the 1920's and early 1930's, followed by a vigorous resurgence in the middle 1930's and 1940's.

Among the established governmental departments, such as the Navy, employee unions are recognized as a medium for group dealing. By the term "group dealing" is implied the process whereby employees submit recommendations or authoritions. Such matters are then reviewed by management

Bloomerd D. White, Introduction to the Study of rublic desinistration, p. 455.

Solk, Gircular Letter of 6 April 1950, p. 15.

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established governmental countract is the "collective bargaining" procedure on labor contract method of the Termessee Valle, authority. This agency has, by reason of its corporate structure and freedom by legislative action from the objectmental pattern, adopted unique methods of parametel administration as is reflected in its grievance adjustment process. As a matter of policy the Termessee valley authority encourages unionization, and aims and promotes the means of negotiation with a players and readily enters into written labor contracts with representative employee unions. One writer has characterized the parametel program of the Termessee valley Authority as "dynamic."

The Grievance Procedure of the Tennessee Valley Authority

Having been established as "a corporation clothed with the power of government but possessed of the flexibility and initiative of a private enterprise," it is
to be expected that in problems of personnel administration

⁴ hite, op. cit., p. 457.

A Ltudy in Public Administration, p. 4.

Seventy-third Congress, First Session, 1933, Mouse Locument 15.

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The TVA has followed vastly different procedures from those of the several departments, bureaus, and offices of the government. The Tennessee Valley Authority's policy and procedures on the adjustment of employee grievances bear close resemblance to those of progressive industrial enterprises.

A similarity exists between the Mavy's procedure and the Tennessee Valley Authority's method of adjusting grievances only through the first and second steps.

Beginning with the third stage, the Tennessee Valley Authority method follows an industrial pattern, including the use of arbitration. A detailed consideration of the Tennessee Valley Authority's procedure follows.

Employee Grievance - Labor disputes spring from two sources. The first may be considered as arising from differences of outlook between employees and management on matters of policy concerning pay, hours of work, and working rules and conditions. Difficulties such as these are resolved through direct negotiations between the management of Tennessee Valley Authority and the employee unions concerned. The resulting agreements are expressed in the written labor contract and the provisions thereof can be changed only as a result of further contract negotiation. Thus it is that labor contracts of this nature eliminate a large area of possible contention between employees and

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of labor dispute arises and an employee believe he has been treated pafairly or is a projudicial manner by his supervisor in the suplic tion of an established policy.

It is this type of pievance that the Tempersee Valley Luthority grievance odjustment procedure has been developed.

The Tennessee Vallet Authority outlook on union participation in relevance procedures. - The Termessee Valley Authority policy of encouraging employee unions finds expression in its stated grisvance procedure. In addition to acknowledging that union members would normally request their union representative to handle grisvance actions for the , the Tennessee Valley Authority proceeds a step farther and advises its appreciants to suggest to employees who wish to file a grisvance to discuss the matter with the union representative and request the union representative to participate in the hearing. Moreover, in the event that the employee does not bring his union representative into the grisvance action voluntarily, it is considered by the Tennessee Valley Authority to be in order

Tennessee Valley Authority, Tentative Draft of Revised Handbook on Grievances, November 1, 1950, p. 1.

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for the a parvisor to built, the union representative of the priovance and invite him to participate in the discalsion or hearing. At the sale time, an employee may elect to handle the rie area personally or to smally an Individual other than his union egent to represent him. However, the stated preformee of the Tennessee Valley Authority is that it is desirable to have union representetives participate in the handling of riovences insenuch as basic policies and read tions overning enclosees are arrived at in the first instance as a result of ne otiations or clearance with the unions. If an employee selects a person other tran his union representative to assist him in handling the crievence, that perticular individual is considered only as a personal representative. In this case, the collective influence of the employees! union is not brought to bear during the adjustment process. And, contrary to the conventional outlook of the covernmental employer, the absence of union participation is considered disadvantageous by the Tennessee Valley Authority.

The First Step - The Tennessee Velley Authorit, grievance procedure is similar in its first stage to other grievance plans generally used in industry, commerce, and governmental

Breamessee Valley Authority, Tentative Draft of Revised Bandbook on Wrievances, p. 5.

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by far the rajerit, of misunderstandings and glavances are not correct beyond the classical or with the employee's in edite supervisor. Even if not satisfactor's explained or adjusted, rievance may be aroughed. It is, therefore, exceedingly important to the longesce wally Authority that prievances by handled carefully at that point and that every affort be ade to reach an adjustment file is mutually satisficatory and in compliance with Termessee Walley Authority policies. It is acknowledged that grievinces can be succleded, but this is not helpful. Everyone, especially femasses willey inthority, loses in the process....

employee, or his representative, the immediate supervisor may arrange for participation of second line, or ever higher level supervisors, if he so desires. 10

The lecond Step - In the event that a satisfactory adjustment of the prievence does not result from the first-step discussion between the employee and the irrediate supervisor, an appeal may be submitted to the director of the Tennessee Valley Authority division by which the approved

Plennesses Valley Authority, Fentative Draft of Tevised andbook on Grisvances, p. 4.

¹⁰ rennessee Valley uthority, Interdivisional Instruction or Orievances, p. 2.

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individual is employed. This second step in the Trievance procedure of the Tennessee Valley Authority is at a comparable level of authority with the third step of the Havy's grievance procedure which involves the commanding officer of the sctivity. Unlike the Mavy's procedure, however, there is no review by a board of fellow employees acting in an advisory capacity. The Tennessee Valley Authority's second step in the grievance procedure may be conducted on the basis of a hearing before the director of the division or by a review of the record of the case depending on the wishes of the employee or his representative or the divisional director. A time limitation of three weeks after receipt of the request for review or completion of the hearing is established within which time the director of the division must render a decision on the grievance. Further rights of appeal may be exercised by the employee if made within two weeks of the date of decision by the director of the division. If no appeal is made within the time limit the case is considered closed. The Third Step - If the decision of the divisional director is not acceptable to the employee, a further appeal may be submitted to the Director of Personnel of the Tennessee Valley Authority. Normally the Director of Personnel makes his decision on the basis of the record as compiled from the preceding two stages. However, it is within his authority under the prescribed procedures to conduct

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supplementar, hearings or to request additional information on an individual basis from any of the parties involved in the dispute. If the latter is done, the regulations provide that all parties concerned be furnished copies of the additional information and that they be permitted to submit such comment as may be desired in connection therewith. The Director of resonnel is required to reach a decision on the appeal within three weeks following the date on which he originally received the complete record of the case.

The third step appeal to the Director of Personnel of Tennesses Valley Authority constitutes the final stage in which the grievance can be settled in an administrative manner and may be considered as analogous to the fourth step of the Navy's system involving the Secretary of the Navy. However, under the Tennessee Valley Authority system there is a further avenue of redress of employee grievances if all previous efforts of an administrative nature have proved fruitless. This involves joint conferences between the Union and the Director of Personnel and the operation of the Joint Board of Adjustment. The latter consists of representatives of Tennessee Valley Authority management and the employee's union. Such a method constitutes a unique departure from conventional practice in the adjustment of employee grievances in governmental agencies and is worthy of a somewhat detailed

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If an employee risvance has not been settle therity adjusted by means of the process of successive acclaistrative appeal to the immediate expervisor, the divisional director, and the director of personnel, the impute any then be made a matter of mutual consideration between the Tennessee Valley rrades and habor council and Tennessee Valley rrades and habor council and Tennessee Valley reads and habor council and Tennessee Valley reads and habor council and Tennessee Valley further review or adjustment of discuss while acting in joint conference, complete recognition of the union as the agency representing the coole interacts of the employee is extended by Tennessee Valley outhority management at this steps. This constitutes a unique pathod on an employee union by the governmental analysher acting as an employer.

Assuming that the stepute still resists settlement after the joint conference phase, the homeness Valley Authority grievance procedure follows a still nors unusual departure from conventional procedures adopted by jovernmental agencies. Ly patition of elther party, the dispute may then be presented to a Joint Jord of Edjustment. This Joint Board of Adjustment, this

llrennessee Valle; Authorit, Interdivicional Instruction on Orievances, pp. 3-4.

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including two represent that with alternates designated by the Tennessee Valle, Traces and Labor (ouncil and two members with alternates selected by Tennessee Valley fathority management. embership on the Joint board of Adjustment is limited to one year. A procedural restriction prevents a board member from functioning in a particular prievance appeal if that particular member was a participant in any of the preceding efforts at administrative settlement of the case. In this event, the alternate member acts on the Joint Board of Adjustment. In the conduct of its proceedings, the board selects a chairman and secretary from its own membership of four persons. At any given tire, the two offices cannot both be held by representatives of the union or of management. In other words, when the elected Chairman happens to be a representative of the union, the secretary must be elected from Tennesses Valley Authority management's representatives, and vice versa. The elective offices are held for one year and must alternate between union and Tennessee Valley Authority representatives. The Board is empowered to formulate its own rules for the conduct of proceedings in hearing contested appeals and in the rendering of decisions. In the settlement of any dispute brought before the Joint Board of Adjustrent, the Tennessee Valley Authority regulations provide that a majority vote of the four members will govern.

CONTRACTOR OF THE PARTY OF THE and has been proper to be not been published assessment and the palies numerous or besterral belowing the exchange the brief days will be placed in a property of the party * African Income I seem not to relief at the property when a stranger a name of the Court strangers and a a new forces, wallers from the first Lawrence concerning material. we was a later to a contract the second of t Store are a large of the case, or able over 10 to secondary near art affected to the cales to be a serie to the Characters a madeles taken and highlighters and to declare AL . RECEIVED COULT IN COLUMN TO SELECT THE PARTY OF THE PARTY NAMED INCOME. pel citizen per ration demand superference and pertain per metter by This of a larrespose to be accounted to the sevilations of when you and not seemed to contract the same and the same headen of their partners and product out to increase persisation of transcribe production print assessment age. name arm yell after you about a will not not year outs been passed measures the minu and - served a sum inc of Interrupts of Principles, the Court of the September 1 supplement to decree or the last of all relations of had be nothern as you as you assessed and not not be planta. In an assertance of any elegant braining belows which the last members and a few rest for the country states and company to what sales are a second and a second sales armora and Malay amount

linco four a belia constitute the Joint para of Adjustment, with its membership equally divided between the Tennessee Valley Trades and Labor Council and Tennessee Valley Authority management, it is apparent that deadlocked issues could result if the board sligned itself with two votes each on the pro and con aspects of a particular grievance. Under such circumstances no majority vote could occur. To meet this eventuality, the Tennessee Valley Authority grievance procedure prescribes a final determination by arbitration. The decision of an impartial referee is requested in the event that the Joint Board of adjustment finds itself unable to render a majority decision on any prievance submitted to it within sixty days after completion of the hearings. The referee is selected by the Joint Board of Adjustment from a panel of five suitable persons designated by the board at its first meeting. An agreement between the union and the Tennessee Valley Authority management provides that the decision of the referee will be accepted as final by both parties. Expenses incidental to the arbitration phase are shared equally by the Tennessee Valley Trades and Labor Council and the Tennessee Valley Authority. 12

¹² Pennessee Valley Authority, interdivisional Instruction on Grievances, p. 4.

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A. The Applicability of Industrial Methods to Mavy Conditions and Problems

From the procedural point of view there is appreciable similarity between the grievance adjustment methods of industry and the Navy's method of handling employee grievances as stated in NGFT 80 on Grievances and Complaints. This is particularly true in the early stages of grievance procedures which involve first and second line supervision. In the later stages of industry's methods of adjusting grievances there is an emphasis on multi-party negotiation. This is followed, if necessary, by srbitration of differences. In contrast, is the Navy's method of successive appeal through administrative levels to the Under Secretary of the Navy with advisory boards functioning at two points in the administrative chain.

The procedural differences which do exist between the methods of industry and the Bavy, particularly in the later stages of grievance adjustment, are largely a reflection of the difference in power between the unorganized or lossely organized employee group and the highly organized militant labor union. In the former case, prime dependence must be placed on the spirit of fairness and objectivity

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of the administrators in earnesth, and importially striving for equitable adjustments of employee rievances. In
the latter case, bergaining strength tends toward equality
and solution of employee griovances may conceivably result
in a test of power between the parties in the labor contract. Since use of militant tactics, or the strike
weapon, by a government employee is considered contrary
to public policy and is forbidden by law it follows that
prime dependence in the Mavy situation must be placed on
improvement and perfection of administrative processes
for the prompt and equitable adjustment of the rievances
of civilian employees.

Another factor which limits the application of industry's more direct and streamlined procedures to the
Navy situation in adjusting employee grievances is the
greater geographic scope and occupational variety of Navy
employment as compared with most industries. Industrial
grievance procedures incorporated in collective bargaining
contracts are generally negotiated on a plant basis even
for those corporations which operate on a national scope.
Toints of view by both parties are local. In contrast,
the Mavy operates on a continent wide and extra-continental
basis. Personnel policies of the Navy, including grievance

loffice of Industrial Celations, Circular Letter of 6 April 1950, Relationships with Organized Labor, p. 16.

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procedures, must be deal med to meet the variet, of conditions encountered in a far flum or anization, at the same time preserving uniformity and consistency in the treatment accorded all analogees.

A third element which tends to limit the applicability of industry's methods of rievance adjustments to the Navy situation is the necessity for conformity with prescribed atandards adopted for the several departments of the federal government. On the other hand, it has been shown in the case of the Tennessee Valley authority that a governmental agency can follow less traditional methods in personnel administration if it is permitted to do so by legislative authority. The exphasis on union r cognition and the adoption of arbitration procedures in the adjustment of prievances by the fernessee Valley authority which is similar to private industry would not be possible at the present time within the departmental framework of the federal government under which the Navy operates.

B. Bussested Improvements in the Navy's Grievance Adjustment Procedure

Consideration of the commonly encountered criticisms of grievance adjustment procedures of Federal agencies in general and that of the Havy Department in particular, against the background of current practice in industry where applicable, leads to certain recommendations wherein

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either the structure of the carrent lavy rievince procedure, or the application overeef, could be improved:

1. Provide for unrestricted representation of an a trieved employee in the first and second stages of the grievance procedure. Under Turl 20, the ag rieved employee is limited in als selection of individuals to represent hin in the grievance adjust ent process to fellow e ployees of his own shop or office. In some cases, particularly in those occupations which are relatively low in the hierarchy of skill, this restriction can operate to squelch grievances aus to real or imagined lack of ability in use of language by the apprieved employee or his fellow workers who are now the only eligible source of representation. Since the only reason for having a grievance procedure is to bring real or imagined grievences out in the open so that they can be dealt with by management, it would appear shortsighted to impose restrictions on representation which can have the effect of suppressing free and open discussion of complaints at their very source. The striking difference between industry's method of adjusting grievances and the Tavy procedure is that in the former instance the argrieved employee has a ready source of support and assistance in the presentation of his rrievance in the person of the union steward and union officials. By contrast, the Wavy employee, in a grievance situation, either acts alone or

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BE IN AND DESCRIPTION OF PERSONS ASSESSED. will be award down by your many of which will be manufact femileum nit 100 to the past of the contract of Attenues to all administration for continuous are or beautiful at newsoften would be alseen from the more or or of the ma grant programs which has all a marries we make our and the previously our of tol playlocky by the second second anamental relative of historia has considered about 10 picture to expensed to see at gateline to seek attended to have at an ONE AND ADDRESS OF THE PARTY OF not would produce the second street, also not not point of all architects recently a ment got made you that this on rough all all the second contract on they - Printed that the latest of the state of the state of the the later and the second of th polytically important party party or and the party and and be constitute and the control of the control of the control of and has the prevent and a significant and another arrangement and and DESCRIPTION OF RESIDENCE ADDRESS OF THE PARTY OF THE RESPONSABLE. of examples her became the second of the second and in common out of comments and on comments with THE RESIDENCE OF A PARTY AND ASSESSMENT OF THE PARTY OF T THE RESIDENCE OF THE PARTY AND ADDRESS OF THE PARTY A

with the meaner assistance and need of a relion approper.

- 2. remit aggrieved a loyee to by-pass a liven erroal level in the privence procedure in the event that action is not taken by the C appeal level within a specified tire. Navy Civilian Personnel Instruction Ut now provides that the various appeal levels should take action on a prievance matter within a specified time period. However, no sanction is provided for failure to do so. Also, the various appeal levels are authorized to celay action provided the employee is so notified together with a statement of reason for delay and information as to when action can be expected. To counterbalance the effect of this provision of JOIT 30, when used improperly by the occasional unprincipled supervisor, it is advisable that provision be made for elecutiventing a given appeal level when it appears that stalling tactics are being used in the hope that the grievance in some manner or other would solve itself.
- 3. Establish a reporting system for first-step and second-step grievance discussions so that management at the activity level will be aware of conditions and situations which are potential sources of more serious employee dissatisfaction. Under current Nevy procedure in ECFT 83, employee grievances which are either satisfactorily resolved or merely dropped at the first or second steps are never brought to the attention of top management at the

appropriate making a set operation to consider the second set of the AREA & SERVED IN RESIDENCE OF THE PARK AND AVERAGE AND And Africa and the Second Assessment and the American without a cleaner possible for a contract of the contract of t TON the self-burgers from the self-burgers and the self-burgers and the self-burgers are self-burgers. CHEST REAL PROPERTY AND ADDRESS OF THE PARTY ADDRESS OF THE PARTY ADDRESS OF THE PARTY AND ADDRESS OF THE PARTY ADDRESS the transplantation of the contract of the property of the AND REST OF THE PARTY OF THE PA spaint of party of the street library and the services and spaint MALE CONTRACT DESTRUCTION OF AT SECURIOR SET DESCRIPTION OF SALES DACK OR AN OUTPOSTALL DOS QUARTES ON THE PARTY OF PARTY OF AN is double buy hamilaring and all angular at he middle and of the contract of the contract to the care acception at 72 years our office copy for bearing Toront faction of the A dilleger was not about an entail over the first course that applicable and founds from a territories of a right allege makes on the course which is accounting that that equal has

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rovide such information in statistical form only, so that management can alert itself to potential or incipient local of prievance infection. It is not intended that the information so compiled be identified as to individuals, thus preserving the air of informality which, at times, is a distinct advantage in this and accond-step grievance discussions. Under this recommendation the benefit of the experiences of first and second line supervision in meeting and handling employee complaints and grievances will not be completely lost to management at the activity level.

- third-step arievance hearings. Current procedure under MCII 80 requires that each activity retains a record of employee grievances which are carried to the third step.

 No review or audit of such records by a higher echelon is required, although it could perhaps be argued that the mere keeping of such records carries the implication of a possible review or audit. This recomendation is intended to create the situation whereby annual or semi-annual sudits of such records be conducted by an upper echelon of command as a means of encouraging recognition of the importance of good grievance procedure administration by the activity.
- 5. Nodify the present method of appointment of the Field Grievance Advisory Committee by the commanding officer

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of an activity to include an apportunity for challenging individual members of the condittee by the a rieved encloyee. Under present avairievance procedure, the spointment of the Field Priovance Advisory coard at the third stop is a function of the commanding officer of the activity. In order to allay or ployee fours that such a committee is a "rubber stamp" scency and is improperly responsive to the wishes of a negent, it is considered essential that a method be dovised to enhance its stature in the eyes of the employees. It is believed that this objective can be accomplished by the appointment of the cornittee from a standing panel of employees previously designated by the commanding officer. Individual consittee members could then be challented by the agrieved en loves with the result that an alternate cauber of the panel be designated to serve. In this way there is a greater likelihood of confidence in the committee by onployee groups and a greater incentive for management to appoint well-qualified persons to the standing panel and committee if it is known in advance that members so designated are subject to challenge.

basis bearing on frequency end type of prievances, the stages of settlement and similar pertinent information.

Compilation of information of this nature will serve to more clearly establish the dimensions of the grievance

makes of the said against anger on market of afternoon in the produced by a settlement of the process and the mid and interest markets for the person when a reposite mid the beam of great that means that the sole in the state of the AND THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TO A REAL PROPERTY AND ADDRESS OF THE PERSON NAMED IN COLUMN TO A REAL PROPERTY AND ADDRESS OF THE PERSON NAMED IN COLUMN TO A REAL PROPERTY AND ADDRESS OF THE PERSON NAMED IN COLUMN TO A REAL PROPERTY AND ADDRESS OF THE PERSON NAMED IN COLUMN TO A REAL PROPERTY AND ADDRESS OF THE PERSON NAMED IN COLUMN TO A REAL PROPERTY AND ADDRESS OF THE PERSON NAMED IN COLUMN TO A REAL PROPERTY AND ADDRESS OF THE PERSON NAMED IN COLUMN TO ADDRESS OF THE PERSON NAMED IN a characteristics. In colors to what a property of the water and well-related AND CONTRACTOR AND SERVICE ASSESSMENT OF SAME AND ADDRESS. Sepalitation at \$1, proceedings to continued or representation ACCRECATE AND SECRETAR OF CONTRACT OF SECRETAR AND SECRETARIES. When seed been first at it was spilled out to be seen and the with the dissertations mix of desirable more as one explication almostrance ampointed to the experience of the contract of the contract of and the contract that what the street was at a particular service or personnel of the second and property of the second we design and decomposited for involves which profits the figure of the latter hand on the department to payon. In this say there, in a grainer -Asygology productions and all some Dang to Sometimalia deleter of James and Systems and Systems Salary, a deal agents swill work has decay accessed out on Source, Balliford Line was proportioned as seen and dear overton of provided of the promitted at the treet for

abbright a moderation whiting and didded of and appropriate to make her animated to painted about appropriate to make her animated to painted about application to desire and animated desired to the second to the

of the circumstances surrounding first, second, and third stage grievance hearing; it does not now have this information. At the same time, the important or parameter, the important or parameter to be activity level will note full, appreciate the scope of the prevence problem, the domain sources of prevences from the exployee standpoint and the techniques of effective administration of the grievance adjustment system.

7. Improve training of supervisors and engloyees in splication of grievance procedure. The preceding recommendations are concerned with improvement of the grievance adjustment structure, the formally prescribed processes in which grievances are presented through the various echelons of supervision for top level decision if necessary. No less essential is the necessity for continual training of all supervisors and workers alike, in the rethods and objectives of the prevence adjustment system in the light of odern name, ement techniques. In the final energies, no grievance procedure can, or itself, resolve employee complaints and disastisfactions. It can be effective only insofar as its numan administrators sincerel, want to make it effective in solving a ployee prevences and in improving industrial relations.

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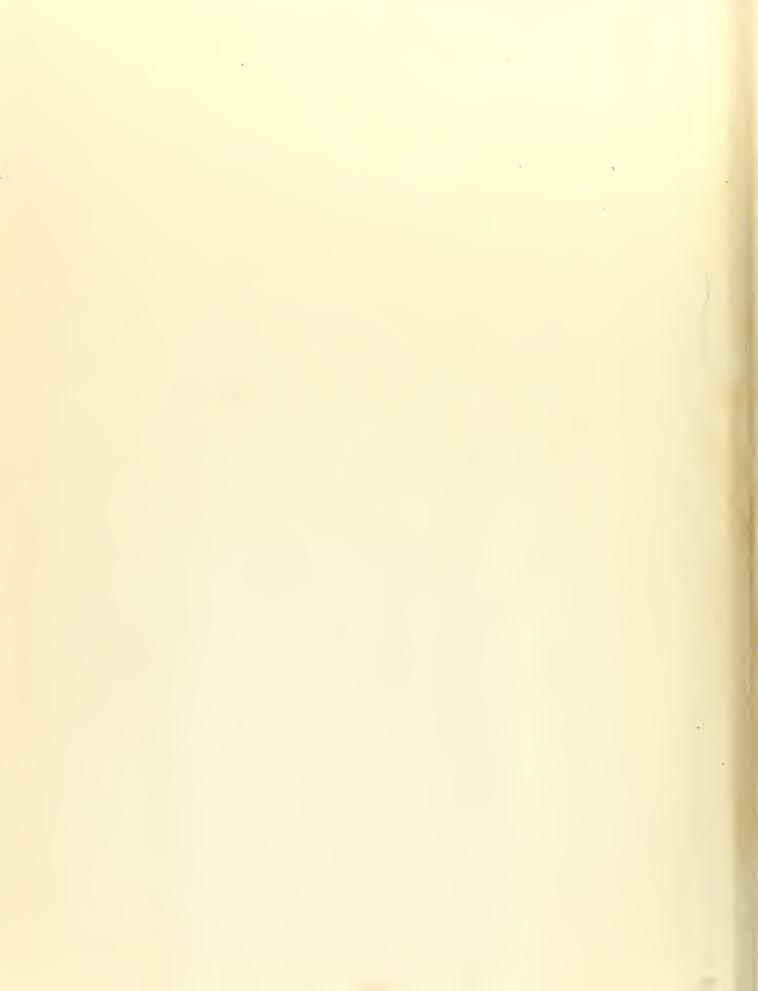
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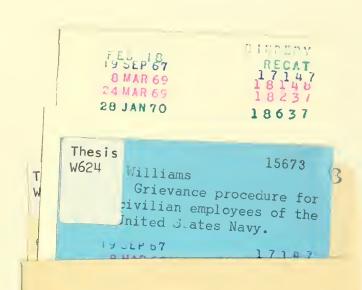
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